IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16363 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PTEL TRUSHAKUMAR HARMANBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 16363 of 2004

MR AG JOSHI for Petitioner No. 1

MR SHAIKH for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 24/12/2004

ORAL JUDGEMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for appropriate writ, order or direction, directing the

respondent authority to make necessary correction in respect of the birth date in the passport by mentioning correct birth date as 29/11/1978.

2. Mr. Joshi learned advocate appearing for the petitioner has submitted that through inadvertence and by mistake the date of birth is wrongly mentioned as 25/08/1978 in the passport instead of 29/11/1978. According to the petitioner his correct date of birth is 29/11/1978, as per the certificate issued by the competent authority issued under Section 12 and 17 of the Registration of Births & Deaths Act, 1969 ["the Act" for short]. He has further submitted that in view of the fact that since wrong date of birth was mentioned in the School Leaving Certificate by the petitioner or his parents, the said mistake has been committed. He has submitted that when he approached the respondent authority to make necessary correction in the passport, the respondent authority has refused to entertain the request to correct the said mistake.

3. Shri Shaikh learned Additional Standing Counsel for the respondent authority has submitted that only on the basis of the material given by the petitioner the the date of birth was recorded in the passport. He has further submitted that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the authority is satisfied with the genuineness of the data to be corrected.

4. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner to correct the date of birth as mentioned above. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

5. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs.5,000=00 [Rs. Five Thousand Only] is ordered to be paid by the petitioner to the respondent authority by way of costs. The petition is allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[M.R.SHAH,J.]

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